80-1309

No.

Office-Supreme Court, U.S.
FILED
JAN 16 1981
ALEXANDER L. STEVAS,
CLERK

IN THE SUPREME COURT OF THE UNITED STATES

October Term, 1980

MONTE LEE,

Petitioner,

vs.

LAW OFFICES OF JOSEPH L. ALIOTO and LAW OFFICES OF WYMAN, BAUTZER, ROTHMAN AND KUCHEL, a Partnership, and METRO-GOLDWYN-MAYER, INC., a Corporation; CINERAMA, INC., a Corporation, and GALLEN FILMS, S.A., a Corporation, and GEORGE PAL, and HARRY PREGERSON, UNITED STATES DISTRICT COURT JUDGE FOR THE CENTRAL DISTRICT OF CALIFORNIA,

Respondents.

PETITION TO THE UNITED STATES SUPREME COURT FOR A WRIT OF CERTIORARI TO THE UNITED STATES COURT OF APPEALS FOR THE NINTH CIRCUIT

MONTE LEE
9118½ Sunset Boulevard
Los Angeles, California 90069
(213) 278-8431 or 465-6575

Appellant Pro Per

No.

IN THE SUPREME COURT OF THE UNITED STATES

October Term, 1980

MONTE LEE,

Petitioner,

vs.

LAW OFFICES OF JOSEPH L. ALIOTO and LAW OFFICES OF WYMAN, BAUTZER, ROTHMAN AND KUCHEL, a Partnership, and METRO-GOLDWYN-MAYER, INC., a Corporation; CINERAMA, INC., a Corporation, and GALLEN FILMS, S.A., a Corporation, and GEORGE PAL, and HARRY PREGERSON, UNITED STATES DISTRICT COURT JUDGE FOR THE CENTRAL DISTRICT OF CALIFORNIA,

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9118½ Sunset Boulevard
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(213) 278-8431 or 465-6575

Appellant Pro Per

QUESTION PRESENTED

Whether Stump v. Sparkman, 435 U.S. 349, 355-57 (1978) provides Judge Pregerson with absolute immunity from suit even if he in his judicial capacity knowingly and intentionally covers up, promotes, and sanctions irregular process, conspiracy, fraud, illegal control and monopoly of litigation, fixed litigation, collusion, and subornation not serving the purpose for which a court exists and further that the doctrine of judicial immunity is a valid defense as to charges of covering up, giving protection to a corporate form twisted to defeat public convenience, justify wrong, protect fraud and defend crime.

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No.

IN THE
SUPREME COURT
OF THE UNITED STATES
October Term, 1980

MONTE LEE,

Petitioner,

vs.

LAW OFFICES OF JOSEPH L. ALIOTO and LAW OFFICES OF WYMAN BAUTZER, ROTHMAN AND KUCHEL, a Partnership, and METRO-GOLDWYN-MAYER, INC., a Corporation; CINERAMA, INC., a Corporation, and GALLEN FILMS, S.A., a Corporation, and GEORGE PAL, and HARRY PREGERSON, UNITED STATES DISTRICT COURT JUDGE FOR THE CENTRAL DISTRICT OF CALIFORNIA,

Respondents.

PETITION TO THE UNITED STATES SUPREME COURT FOR A WRIT OF CERTIORARI TO THE UNITED STATES COURT OF APPEALS FOR THE NINTH CIRCUIT

Monte Lee, petitions for a writ of certiorari to review the judgment of the United States Court of Appeals for the Ninth Circuit in this case.

JURISDICTION

On August 21, 1980 the Ninth Circuit determined that the case would be submitted to the court for decision without oral argument.

On August 25, 1980 a timely motion for oral argument was filed stating the issues in this case are serious, novel, and have far reaching proportions, and legal significance, and an oral argument would be helpful to the court in understanding and reaching a determination of the issues presented herein.

On September 11, 1980 the motion for oral argument was denied.

A timely petition for rehearing with suggestion for rehearing en banc was denied on November 19, 1980. The jurisdiction of this Court is invoked under 28 U.S.C. §1254, n. 7.

STATUTE INVOLVED

Sherman Act (15 U.S.C. 1, 2). Section 1 provides among other things that:

> "Every contract, combination in the form of a trust or otherwise, or conspiracy, in restraint of trade or commerce, among the several States, or with foreign nations, is declared to be illegal. . . ."

15 U.S.C. §1:

> "The seventh section of the Sherman act gives the right to any person 'injured in his business or property by any other person or corporation by reason of anything forbidden or declared to be unlawful' by the act, to sue, and recover treble the damage sustained by him."

United States Constitution, First, Fifth and Fourteenth Amendments:

> "Restraints upon access to judicial hearings constitute abridgements of the first, fifth and fourteenth amendments to the constitution. Such abridgements support a finding of antitrust violations as well."

There is no requirement that an information name the statute which an accused is charged with violating, so long as the charging language adequately informs him of the act which he is charged with committing.

Isaac v. Superior Court,
Cal. App. 2d, 2 Civ. 51979,
March 30, 1978.

STATEMENT

This action was instituted by appellant on May 4, 1978. Appellant, an independent distributor brought this action charging appellees with irregular void process; undue concentration of power to cover up illegal use of judicial administrative adjudicative proceedings to restrain interstate trade and commerce for a dummy corporation formed to conceal proceeds. Conspiracy, Fraud, Antitrust, Jury Trial Demanded.

Plaintiff alleged violations of the Sherman Act which caused injuryto him, stemmed from various defendants'alleged acts in pushing George Pal's production for Metro-Goldwyn-Mayer Cinerama release, "The Wonderful World of the Brothers Grimm," to the detriment of plaintiff's motion picture, "Grimm's Fairy Tales," and litigation against plaintiff by defendants. Plaintiff further alleged because he was a competitive threat to Metro-Goldwyn-Mayer, Cinerama and Gallen, latter a Swiss corporation, defendants "jointly caused illegal litigation to be used against plaintiff with the purpose in whole or in part, of totally eliminating the competition of the plaintiff." Plaintiff alleged that the litigation brought against him by defendants, had the intended effect of placing a 'cloud' on plaintiff's picture. It also put plaintiff in fear that if plaintiff sold his picture, an exhibitor might violate the injunction and place the plaintiff in further litigation - the 'cloud' was thus the intended and successful unlawful barrier.

Judge Pregerson with full knowledge of irregular process, and concerted actions used by defendants against plaintiff in the United States District Court for the Central District of California, associated himself with the defendants to use his judicial power, and influence, to continue irregular process, undue concentration of power, and furtherance of illegal use of judicial and administrative, adjudicative proceedings (the all of which he had knowledge of) for the benefit of a dummy corporation formed to conceal proceeds, and swindle investors, by acting in clear absence of all jurisdiction over the subject matter before him, and to use his judicial power to hand down a false judgment, with knowledge that it is false, for and with the specific and deliberate intent with malice to bring the matter before him to an end for the unlawful purpose to cover up the joint concerted actions used by defendants, and to shelter liability of defendants, and others, who caused void and irregular process to be issued.

Judge Pregerson's ruling as follows sheltered defendants' liability and is false and void:

> "Complaint does not state a cause of action upon which relief can be granted, because the alleged antitrust violation is barred by the applicable statute of limitations, and any other possible cause of action is barred as against all defendants by res judicata and collateral estoppel."

Complaint stated that plaintiff didn't yet know the full extent of his damages, but believes these

would exceed $500,000 as a result of the defendants' alleged causes and violations. Action asked judgment against each of the defendants for three times amount of plaintiff's actual damages.

REASONS FOR GRANTING THE WRIT

The factors determining whether an act by a judge is "judicial" relate to the nature of the act itself (whether it is a function normally performed by a judge, and the expectation of the parties (whether they dealt with the judge in his judicial capacity). Stump v. Sparkman, 435 U.S. 349, 355-57 (1978); Rankin v. Howard, U.S.C.A. 9th, 78-3216 Dec. 5, 1980, by Wright, J.

The following fact realities that were concealed by appellees must control the decision of this Court, whether they fall within the scope of legitimate decisio making that judicial immunity is designed to protect. Rankin v. Howard, U.S.C.A. 9th, 98-3216, Dec. 5, 1980, by Wright, J.

In the United States District Court for the Central District of California by way of discovery, deposition of judges, attorneys, witnesses the illegal use of judicial administrative adjudicative proceedings to restrain interstate trade and commerce came to light.

It was discovered that Gallen Films, S.A., a corporation formed by Metro-Goldwyn-Mayer and Cinerama to produce and to deliver to them

a motion picture was a corporate form twisted to defeat public convenience, justify wrong, protect fraud and defend crime.

What prevented the matter from going to jury was the participation of Judge David Williams with appellee lawyers who in his chambers in the United States District Court for the Central District of California in presence of appellee lawyers referred appellant to Law Offices of Joseph L. Alioto, all being fully aware of close association of Alioto, Mosk and appellees for the unlawful purpose of fixing the case, the all of which appellant was totally unaware of at that time.

Joseph M. Alioto substituted himself, and the Law Offices of Joseph L. Alioto in place of appellant on or about May 12, 1971, whereupon Joseph M. Alioto committed himself and the Law Offices of Joseph L. Alioto to represent appellant on the illegal use of judicial and administrative adjudicative proceedings to restrain interstate trade and commerce and to eliminate competition in violation of the Sherman Act.

The first step in their unlawful combination was to have the lawyers for lawyers Mosk and Rudman, the Law Offices of Gilbert, Thompson, Kelly, Crowley, and Jennett, prepare in the courtroom of Judge David Williams, a document entitled Stipulation and Order Dismissing Action as to Defendants Edward Mosk and Norman Rudman.

The document was dated May 6, 1971 and signed by lawyer Everett W. Thompson with an attached order for Judge Williams to sign.

Alioto was substituted in as attorney in the place and stead of appellant Monte Lee in pro per with the consent of appellant and opposing counsel on May 11, 1971, after the document was prepared by Everett Thompson, lawyer for lawyers Mosk and Rudman.

The case was transferred to the courtroom of United States District Judge Matthew Byrne, Jr. On or about May 15, 1972, appellant discovered that appellant's attorneys and opposing counsel had conspired, planned, arranged, adjusted, agreed on and settled between themselves, acting together pursuant to the design and scheme for appellant's attorneys: the Law Offices of Joseph L. Alioto, to plead illegal matters that had nothing to do with what was illegally done to appellant and to conceal those that had been illegally done to appellant thereby furthering and continuing to restrain interstate trade and commerce, and to eliminate competition through the use of illegal judicial and administrative proceedings in violation of the Sherman Act.

There the law firms acting in collusion, behind appellant's back, dropped the dummy corporation Gallen Films from being an issue in exchange for the dismissal of Mosk and Rudman, and judges.

There in collusion, and intentionally, they fraudulently concealed Gallen Films, a corporate form twisted to defeat public convenience, justify wrong, protect fraud, defend crime in disregard of the law.

They Gave Protection to Edward Mosk and Norman Rudman Who Were Appellant's Attorneys In Superior Court Who Failed to File an Answer to Original Complaint.

Among all the corporation heads of Metro-Goldwyn-Mayer, Cinerama and Gallen Films, affidavits submitted in opposition to appellant's motion to set aside the default and permit the matter to go to trial was one by appellant's former attorneys, Edward Mosk and Norman Rudman, confirming on November 15, 1963, that they were all joined in conspiracy.

They Covered Up For Judge Patton

Superior Court Judge Robert Patton, with pension rights accruing from a major motion picture corporation while he was sitting at the bench, had no knowledge who the plaintiff was or who the defendant was, clearly showing that his bench was controlled, as was his decision.

December 19, 1963, Judge Robert Patton, presiding judge of the law and motion court, ruled motion denied for reason plaintiff (Metro-Goldwyn-Mayer, et al.) could not possibly p revail if the matter were permitted to go to trial.

Nineteen days later by non pro tunc order, Judge Robert Patton changed the decision to read that defendant could not possibly prevail.

In the United States District Court in the Central District of California, Civil No. 66-1804 DWW, in the law offices of Wyman, Bautzer, Rothman and Kuchel, on September 25, 1970, appellant took the deposition of Judge Robert Patton. On page 23 of the deposition, Judge Patton went right back to his original statement that Metro-Goldwyn-Mayer could not possibly prevail.

In the United States District Court in the Central District of California, Civil No. 66-1804 DWW, in the law offices of Wyman, Bautzer, Rothman and Kuchel, on September 25, 1970, appellant took the deposition of Judge Robert Patton. On page 23 of the deposition, Judge Patton went right back to his original statement that Metro-Goldwyn-Mayer could not possibly prevail.

> "A. You understood. I did not issue these injunctions. That is some other court. I merely stated that your default should not be reopened. I did it because I believed on the cases stated that you had no defense or I forget whether you were the plaintiff or defendant, but that the party who was using the 'Wonderful World of the Brother's Grimm' as a title would not be able to prevail in that suit."

Metro-Goldwyn-Mayer, et al., the plaintiffs who brought the lawsuit against appellant were using the words "wonderful World of the Brother's Grimm" as a title not appellant. The title of appellant's picture was "Grimm's Fairytales."

They Covered Up For Judge Hufstedler

In the Superior Court of Los Angeles County, appellant appeared before Judge Shirley M. Hufstedler in a malpractice action brought against his attorneys, Edward Mosk and Norman Rudman, Civil No. 837449, where appellant filed two amended complaints. Appellant's second amended complaint set forth four causes of action: (1) Defendants refused to file an answer; (2) Misrepresentation; (3) Conflict of interest; (4) Joined forces with opposing attorneys.

Defendants filed a demurrer to appellant's second amended complaint and their demurrer was sustained by Judge Hufstedler without leave to amend whereupon appellant appealed to the Second Appellate District Court, State of California.

Judge Shirley M. Hufstedler, during 1960-1961, served as special legal consultant to the then Attorney General of California, Stanley Mosk, brother of Edward Mosk, which appellant was not aware of. Judge Hufstedler should have disqualified herself.

September 24, 1964, appellant filed his notice of appeal.

They Covered Up For Judge Wood, Fourt, and Lillie

March 15, 1966, 2nd Civil No. 29142, P. J. Wood, Presiding Justice and Associate

Justices, J. Fourt and J. Lillie of the District Court of Appeal, Second Appellate District, Division One, handed down the following false statement with the obvious intent to cover up acts of appellant's attorneys Mosk and Rudman, and Judge Shirley Hufstedler.

They state in their opinion that,

> "In substance, Lee's claims for damages are made with reference to litigation in which the herein defendants (referred to as Mosk and Rudman) acted as Lee's counsel. In that litigation Metro-Goldwyn-Mayer, Inc. which had produced a motion picture entitled, 'The Wonderful World of the Brothers Grimm' (and had been advertising said title prior to release of the picture), obtained an injunction restraining Lee from using words similar to that title in advertising a motion picture which Lee intended to release. (See Metro-Goldwyn-Mayer, Inc. v. Lee, 212 Cal. App. 2d 23 [27 Cal. Rptr. 833].)"

They stated that Metro-Goldwyn-Mayer had produced a motion picture and had been advertising said title prior to release of the picture.

Metro-Goldwyn-Mayer had not produced a motion picture. They were approximately one

year away from having a motion picture and they had no motion picture to advertise.

April, 1966, appellant's Petition for Rehearing was denied by the Appellate Court.

Appellant filed a Petition for Hearing in the California Supreme Court where a Justice was Stanley Mosk, brother of Edward Mosk and former benefactor of Judge Shirley M. Hufstedler when she served as his special legal consultant when he was Attorney General of California. The hearing was denied.

In an overt act in pursuance of same objective, by means of subornation, Frank Rothman, attorney for the Law Offices of Wyman, Bautzer, Rothman and Kuchel, attorneys for appellee Metro-Goldwyn-Mayer, acting in furtherance of the conspiracy as understood by all the defendants, with specific intent in secret meeting that had been arranged, all having competent knowledge that Joseph Kogan was appellant's witness, reached an agreement with and induced appellant's witness Joseph Kogan to change his testimony to which Joseph Kogan had sworn to in an affidavit and also in his subsequent deposition testimony showing that an exhibitor was pressured to boycott appellant's picture (Kogan, TR. 31) in December of 1962 (Kogan, TR. 16, 17).

Judge Mathew Byrne, Jr., in arriving at his judgment of directed verdict in favor of Metro-Goldwyn-Mayer, Cinerama, Gallen Films, actually and improperly aided the law firms acting in collusion to procure the directed verdict. He clearly showed he was biased by comparing a motion picture that he

owns, and can't sell with appellant's picture that he has not seen, but was available for him to see as follows:

> "THE COURT: Well, lets assume we are now starting the case tomorrow: You are making your opening statement to the jury. What are your damages going to be?
>
> "What are you going to tell the jury your damages are?
>
> "You have gone through this since 1966 . . . I notice my law clerk has started File No. 7 on this and now you are going to tell the jury about all these damages. What are you going to tell them that is going to justify this case?
>
> "THE COURT: I have some dandy pictures of hunting in Africa that I have all the rights to, but nobody wants to buy them, and I am sure I can get them all over the world with the same rights." (Reporter's Transcript of Proceedings, Tuesday, February 22, 1972, Civ. No. 66-1804-WMB.)

May 15, 1972, on or about this date, the directed verdict was handed down by Byrne in favor of defendants.

May 18, 1972, Alioto's firm withdrew as appellant's attorneys. They had accomplished what they set out to do.

The U.S.C.A. 9th has held that if a party has not had a fair and reasonable opportunity to have his claim entertained by a court of competent jurisdiction, the principle of res judicata will not be applied. Ross v. IBEW, U.S.C.A. 9th, 77-3914, Dec. 22, 1980, by Zirpoli, J.

THE POSITION TAKEN BY 9TH CIRCUIT IS UNTENABLE IN FACT AND LAW

The decision by 9th Circuit that any antitrust claim arising out of the state court injunction is barred by res judicata and collateral estoppel, and that the subsequent actions of the lawyers in furtherance of the same restraint that was the subject of the prior suit therefore could not give rise to an antitrust cause of action is false.

The United States District Court for the Central District of California has already twice denied res judicata and collateral estoppel. For the reasons stated in appellant's (then plaintiff) opposition to Appellees' (then defendants) motion to dismiss filed on May 12, 1971 and on the basis of the orders of United States District Judge David Williams, and United States District Judge William Byrne, Jr. denying Metro-Goldwyn-Mayer's motion.

APPELLANT'S ACTION IS NOT BARRED BY RES JUDICATA AND COLLATERAL ESTOPPEL

The question of res judicata and collateral estoppel has been fully briefed, argued, and twice decided adversely to defendants. Reporter's Transcript of proceedings Thursday, February 10, 1972 Civil Action No. 66-1804, United States District Judge William Matthew Byrne, Jr., Judge presiding.

THE COURT: AS TO ISSUE NO. 2, ON RES JUDICATA AND COLLATERAL ESTOPPEL, IT GOES OUT OF THE PRETRIAL

There Is No Exception for Judge Pregerson From the Guiding Principle That the Public in the Pursuit of Justice Has a Right to Every Man's Evidence

United States v. Bryan,
339 U.S.C. 323, 331 (1950);

Blackburn v. United States,
284 U.S. 421, 428 (1932);

Bransburg v. Hayes,
408 U.S. 665, 688 (1972); and

Berger v. United States,
295 U.S. at 88.

Conversely, the First Amendment right to petition afforded appellant has been abridged by appellees acting in combination. The large scale conspiratorial effort of the appellees and their consequent control over appellant's rights has permitted appellees, in effect to displace the courts as regulators of the rights involved. Because the abridgement of appellant's rights for anticompetitive purposes, such acts are also in violation of the Sherman Act.

APPELLEE'S RESTRAINT UPON APPELLANTS' ACCESS TO JUDICIAL HEARINGS CONSTITUTE ABRIDGEMENTS OF THE FIRST, FIFTH, AND FOURTEENTH AMENDMENTS TO THE CONSTITUTION. SUCH ABRIDGEMENTS SUPPORT A FINDING OF ANTITRUST VIOLATIONS AS WELL.

Appellant, like all other persons, is constitutionally entitled to free access to judicial bodies so long as such petitioning is not utilized for illegal or unconstitutional purposes. United Mine Workers v. Illinois State Bar, ___ U.S. ___, 19 L.Ed.2d 426 (1967). The Courts must always be open and available at reasonable costs. Connea v. Geis, 73 Cal. 176 (1887).

Where the federal courts are concerned, appellant's right of access is guaranteed by the right of petition and free speech clauses of the First Amendment, and due process clause of

the Fifth Amendment. Where the state courts are concerned, appellant's rights are guaranteed by the First Amendment as incorporated in the Fourth Amendment, and by the due process clause, Railroad Commission of California v. Pacific Gas and Electric Co., 302 U.S. 388 (1939), and equal protection clause; Yick Wo v. Hopkins, 118 U.S. 356 (1886), of the Fourteenth Amendment.

CONCLUSION

For the foregoing reasons, this petition for a Writ of Certiorari should be granted.

Respectfully submitted,

MONTE LEE

Appellant Pro Per

APPENDIX A

UNITED STATES COURT OF APPEALS
FOR THE NINTH CIRCUIT
P.O. Box 547
San Francisco, California 94101

August 21, 1980

CASE NAME Lee v. Alioto

DOCKET # 78-3728

Pursuant to Rule 3(a) of the Rules the United States Court of Appeals for the Ninth Circuit, it has been determined that your case will be submitted to the court for decision without oral argument. The date of formal submission will be September 2, 1980.

You have seven (7) days from the date of this letter to present a justification in support of a request for oral argument in this case. A timely filed request will be considered by the court even if it is received subsequent to the presently scheduled date of submission.

The court welcomes additional citations, without argument, of relevant decisions rendered since the filing of a party's last brief (see Rule 28(j) of FRAP). Send an original and three legible copies to me, on letter size paper, with proof of service of all parties.

In addition, if you believe the case has become moot or a settlement is imminent, or if

you are aware of other cases pending in this court that are related to and that should be calendared with your case, please notify this office in writing immediately.

Very truly yours,

/s/ Richard H. Deane

Richard H. Deane
Clerk of Court

0033M

APPENDIX B

MONTE LEE
9118 1/2 Sunset Boulevard
Los Angeles, California 90069

Phone: (213) 278-8431

IN THE
UNITED STATES COURT OF APPEALS
FOR THE NINTH CIRCUIT

MONTE LEE, Appellant, vs. LAW OFFICES OF JOSEPH ALIOTO, et al., Appellees.	)	NO. 78-3728 MOTION FOR ORAL ARGUMENT

TO: THE HONORABLE JUDGES OF THE COURT OF APPEALS FOR THE NINTH CIRCUIT:

Comes now Appellant, Monte Lee, and does respectfully move this Court for an Order granting him an oral argument, and for cause states that the issues in this case are serious, novel, and far reaching proportions and legal significance, and oral argument would be helpful to the Court in understanding and reaching a determination of the issues presented herein.

Dated: August 25, 1980.

Respectfully submitted,
/s/ Monte Lee
MONTE LEE

APPENDIX C

FILED
SEP 11 1980
Richard H. Deane
Clerk, U.S. Court of Appeals

UNITED STATES COURT OF APPEALS
FOR THE NINTH CIRCUIT

MONTE LEE,
Plaintiff-Appellant,
v.
LAW OFFICES OF JOSEPH L. ALIOTO, and LAW OFFICES OF WYMAN, BAUTZER, ROTHMAN AND KUCHEL, etc., et al.,
Defendants-Appellees.

No. 78-3728
D.C. No. CV 78-1729-R
MEMORANDUM

Appeal from the United States District Court
for the Central District of California
Honorable Manuel L. Real, District Judge,
Presiding
Submitted September 2, 1980

Before: BROWNING, Chief Judge, SKOPIL and NORRIS, Circuit Judges

The motion for oral argument is denied.

Dismissal of the action was proper. The defendant is absolutely immune from suit.

Stump v. Sparkman, 435 U.S. 349, 355-57 (1978). Any antitrust claim arising out of the state court injunction is barred by res judicata and collateral estoppel. The subsequent actions of the lawyers in furtherance of the same restraint that was the subject of the prior suit therefore could not give rise to an antitrust cause of action.

Affirmed.

APPENDIX D

F I L E D
NOV 19 1980
Richard H. Deane
Clerk, U.S. Court of Appeals

MONTE LEE,
Plaintiff-Appellant,
v.
LAW OFFICES OF JOSEPH L. ALIOTO, and LAW OFFICES OF WYMAN, BAUTZER, ROTHMAN AND KUCHEL, etc., et al.,
Defendants-Appellees.

No. 78-3728
ORDER

BEFORE: BROWNING, Chief Judge, SKOPIL and NORRIS, Circuit Judges

The panel as constituted in the above case has voted to deny the petition for rehearing and to reject the suggestion for a rehearing en banc.

The full court has been advised of the suggestion for en banc rehearing, and no judge of the court has requested a vote on the suggestion for rehearing en banc. Fed. R. App. P. 35(b).

The petition for rehearing is denied and the suggestion for a rehearing en banc is rejected.

APPENDIX E

No. 78-3728
UNITED STATES COURT OF APPEALS
FOR THE NINTH CIRCUIT

MONTE LEE, Appellant, vs. LAW OFFICES OF JOSEPH L. ALIOTO, et al., Appellees.	)

CERTIFICATION REQUIRED
BY NINTH CIRCUIT COURT
OF APPEAL RULE 13(d)

The undersigned, counsel of record for Appellees Wyman, Bautzer, Rothman & Kuchel, Metro-Goldwyn-Mayer, Inc., and George Pal, certifies that the following listed parties have an interest in the outcome of this case. These representatives are made to enable judges of the court to evaluate possible disqualifications or recusal:

Named Appellees only.

WYMAN, BAUTZER, ROTHMAN
& KUCHEL
Stuart A. Benjamin
Jeffrey L. Levine

By: /s/ Jeffrey L. Levine
Jeffrey L. Levine
Attorneys of record for WYMAN,
BAUTZER, ROTHMAN & KUCHEL,
METRO-GOLDWYN-MAYER, INC.
and GEORGE PAL